

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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Ollen G. Colbert  
Plaintiff

vs

Case No. C-1-00-909  
(Dlott, J; Hogan, M.J.)

The Cincinnati Gas & Electric  
Company, et. al.,  
Defendants

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**ORDER**

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This matter is before the Court on Plaintiff's Motion for Extension of Time (Doc. 81), CG&E's Limited Objection to Plaintiff's Motion for Extension of Time (Doc. 82), Defendant International Brotherhood of Electrical Workers Local 1347's Limited Objection to Plaintiff's Motion for Extension of Time (Doc. 83), Plaintiff's Reply to Defendant Cinergy/Cincinnati Gas and Electric Company's Memorandum in Opposition to Plaintiff's Motion to Extend Time for Discovery (Doc. 85), and Plaintiff's Reply to Defendant International Brotherhood of Electrical Workers Local 1347's Memorandum in Opposition to Plaintiff's Motion to Extend Time for Discovery (Doc. 86). Plaintiff requests an extension of the discovery deadline from November 15, 2004 until September 30, 2004 in order to conduct the deposition of Donald Bricking, Plaintiff's former CG&E supervisor. Plaintiff represents that, due to a misunderstanding on counsel's part, Plaintiff's counsel was not prepared to take the deposition of Mr. Bricking on November 11, 2004 following the deposition of Plaintiff. Defendants do not object to an extension of the discovery deadline for the limited purpose of deposing Mr. Bricking. However, Defendants oppose any further paper discovery arguing that Plaintiff has had sufficient time in which to make such requests but has failed to do so. Plaintiff argues that his counsel has been burdened with continuing litigation

since June 2004 and, as a solo practitioner, apparently has been unable to draft said discovery requests. Moreover, Plaintiff points out that he has not objected to "multiple" requests for extensions on Defendants' part.<sup>1</sup> For this reason, the Court granted Plaintiff's Motion for Extension of Time (Doc. 81) in part. The discovery deadline shall be extended until December 14, 2004 for the limited purpose of conducting the deposition of Donald Bricking. Defendants request a corresponding extension of the dispositive motion deadline and trial dates based upon this limited extension. The dispositive motion deadline shall be extended until January 14, 2005. Because no specific date has been set by the Court for the Final Pretrial Conference and Trial of this matter, the Court need not address Defendants' requests with respect to such.

**IT IS THEREFORE ORDERED THAT:**

- 1) Plaintiff's Motion for Extension of Time (Doc. 81) be GRANTED IN PART.
- 2) The Amended Calendar Order, which was issued on September 30, 2004 (*see* Doc. 79), shall be amended as follows:

Discovery Deadline (Bricking deposition only):	September 30, 2004
Dispositive Motion Deadline	January 14, 2005

The parties are advised that any further extensions of the above deadlines will be strongly disfavored.

SO ORDERED.

Date: 12/7/04

s/Timothy S. Hogan

Timothy S. Hogan  
United States Magistrate Judge

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<sup>1</sup> A review of the docket in this case reveals that, since January 31, 2003, Plaintiff has made a total of ten requests for extensions in comparison to four such requests made by Defendants.